

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-00691-RJC
(3:06-cr-00006-RJC-1)

JIMMY ALONZO WRIGHT,)
Petitioner,)
vs.) **ORDER**
UNITED STATES OF AMERICA,)
Respondent.)

THIS MATTER is before the Court on Petitioner's motion for voluntary dismissal under Federal Rule of Civil Procedure 41(a). [Doc. 25].

In December 2019, Petitioner Jimmy Alonzo Wright (“Petitioner”) filed a habeas petition pursuant to 28 U.S.C. § 2241, seeking relief through the savings clause in 28 U.S.C. § 2255(e), because § 2255 was inadequate or ineffective to test the legality of his sentence. [Doc. 1]. This Court dismissed Petitioner’s petition, holding that it lacked jurisdiction. [Doc. 9]. On May 11, 2022, however, the Fourth Circuit vacated and remanded the case for this Court to adjudicate Petitioner’s § 2241 petition on the merits. [Doc. 14]. The matter was promptly stayed pending the Supreme Court’s decision in Jones v. Hendrix, No. 21-857. [Doc. 23]. Hendrix was recently decided in a manner inconsistent with the relief sought by Petitioner and the Court ordered Petitioner to file a supplemental memorandum explaining how he is still entitled to relief or to dismiss this action. [Doc. 24].

Petitioner now moves the Court to dismiss his habeas petition pursuant to Rule 41(a) of the Federal Rules of Civil Procedure in light of the Supreme Court's decision in Hendrix. [Doc. 25].

Petitioner states that the Government consents to dismissal. [Id.]. The Court will grant Plaintiff's motion to dismiss. Fed. R. Civ. P. 41(a).

IT IS THEREFORE ORDERED that Plaintiff's motion to voluntarily dismiss his petition for relief under 28 U.S.C. § 2241 [Doc. 25] is **GRANTED**.

The Clerk is respectfully instructed to terminate this action.

Signed: July 25, 2023



Robert J. Conrad, Jr.
United States District Judge